

1 information by doing it that way, and I think it would be
2 more valuable to have it in the record that way.

3 BY MS. LANCASTER:

4 Q Mrs. Sumpter, do you know what you were doing on
5 June 22 of 1996?

6 A I was out of town.

7 Q Where were you?

8 A In Junction, Texas.

9 Q How do you know you were in Junction, Texas?

10 A Because I just know we were, by looking back at
11 our credit cards. And at the time frame, my aunt was sick.
12 And we take care of her. And she had been having problems.
13 And I just know we weren't there.

14 Q Back in November of 2000, when your deposition
15 was taken, did you specifically recall being in Junction,
16 Texas --

17 A No.

18 Q -- on that date?

19 A No.

20 Q When did you first remember that you were in
21 Junction, Texas on December 22 of 1996?

22 MR. McVEIGH: June.

23 BY MS. LANCASTER:

24 Q June 22 of 1996. I am sorry.

25 A Last Thursday morning.

1 MR. ROMNEY: Thursday when?

2 THE WITNESS: Thursday morning of last week.

3 BY MS. LANCASTER:

4 Q How did you recall this?

5 A I just recalled it. I'd been thinking about the
6 time frame, and I just wanted to make sure in my mind that I
7 had not signed a -- I had actually not, but this was just
8 for my own personal recollection. And I got to remembering
9 that my aunt was sick at that time, and that we had gone
10 down there. But I didn't know exactly when we had gone down
11 there.

12 Q Okay.

13 A So we referred back to some records.

14 Q Okay. So you had -- Thursday morning, was this
15 early?

16 A Early in the morning, when I woke up.

17 Q Okay. And did you have any conversations that
18 you thought you were in Junction, Texas on June 22 of 1996?
19 Did you tell anybody that you suddenly had remembered this?

20 A I told Jim.

21 Q Did you do anything about to try to document
22 whether that were accurate or not?

23 A Yes.

24 Q That memory was accurate?

25 A Yes.

1 Q What did you do?

2 A We had our appointment book, the pages faxed to
3 us from Jim's partner, so we could look at it. And that's
4 when we realized that we had been out of town that day, that
5 Friday.

6 Q Okay.

7 A And then we went and looked at our gas bills and
8 the credit cards to find out where we were.

9 Q When you say you went back and looked at this
10 information, did you have all those bills with you here?

11 A No.

12 Q So how did you obtain the gas bills and the
13 credit card slips?

14 A We had Jennifer to go through our bills.

15 Q Jennifer had already testified?

16 A Correct.

17 Q And she had already left to go back to Texas?

18 A Correct.

19 Q And you gave her instructions to go through your
20 records? Is that correct?

21 A That's correct.

22 Q Did you tell her where to look?

23 A Yes.

24 Q And she pulled up your original receipts for
25 these various expenses that you had incurred in going to

1 Junction, Texas?

2 A Yes.

3 MR. ROMNEY: Objection, Your Honor. That
4 misstates the nature of that documentary evidence.

5 JUDGE STEINBERG: How? Well, okay. You want to
6 break it down to the individual pieces?

7 MS. LANCASTER: I would be happy to, Your Honor.

8 JUDGE STEINBERG: And that way there will not be
9 any question.

10 MS. LANCASTER: I would like to ask her specific
11 questions before I try to introduce the --

12 BY MS. LANCASTER:

13 Q Did you tell Jennifer specifically where she
14 could find your 1996 receipts?

15 A Yes.

16 Q And did you instruct her to go look for those
17 receipts?

18 A Yes.

19 Q Did she call you back, or talk to you at a later
20 time saying she had done that?

21 A Yes.

22 MR. ROMNEY: Objection. Calls for hearsay, Your
23 Honor.

24 MS. LANCASTER: Based upon --

25 JUDGE STEINBERG: I will overrule the objection.

1 This record is so filled with hearsay, a little more is not
2 going to hurt. And I think it is important to know where
3 these documents came from.

4 I mean, the witness certainly can testify as to
5 what she asked Jennifer to do. And we have the results of
6 what Jennifer did. So I think we can draw conclusions as to
7 whether or not Jennifer did what the witness asked her to
8 do. But it is overruled.

9 BY MS. LANCASTER:

10 Q Did you instruct Jennifer to forward your
11 checkbook receipts to you for the month of June, 1996?

12 A Yes.

13 Q And did those checkbook receipts indicate to
14 you --

15 JUDGE STEINBERG: Why don't you show the witness
16 the exhibit?

17 MS. LANCASTER: Well, I am trying to get her
18 testimony prior to introducing the exhibit, Your Honor.
19 Because there is going to be a fight over the exhibit, and I
20 would like to have her testimony on the record previously.

21 JUDGE STEINBERG: Okay.

22 MS. LANCASTER: Prior to doing that.

23 BY MS. LANCASTER:

24 Q Did your checkbook receipts indicate to you that
25 you were out of town?

1 MR. ROMNEY: Objection, Your Honor. I am sorry
2 to cut off Ms. Lancaster, but that question is leading just
3 by the way she is phrasing it. Did they indicate to you --
4 she is about ready to give her the instruction of what she
5 wants.

6 MS. LANCASTER: Okay, okay. I will withdraw it
7 and restate it.

8 MR. ROMNEY: Thank you.our Honor

9 BY MS. LANCASTER:

10 Q What did your checkbook receipts indicate to you,
11 Mrs. Sumpter?

12 A That we had gone out of town.

13 Q When?

14 A On Friday.

15 Q Friday what? Do you know the date?

16 A The 21st.

17 Q And did they indicate to you when you returned?

18 A Yes.

19 Q When?

20 A About Sunday, the 23rd.

21 Q Did you also direct Jennifer to forward to you
22 copies of your phone bill for the time period of June 11
23 through July 9?

24 A Yes.

25 Q And she did that, is that correct?

1 A That's correct.

2 Q And you reviewed that bill?

3 A Yes.

4 Q What did that phone bill indicate to you?

5 A It indicated to me that we went down to Junction.

6 Q How did the phone bill indicate that to you?

7 A Because there was a phone call that early morning
8 on Friday, where we called her and told her that we were
9 coming that afternoon.

10 JUDGE STEINBERG: Who is "her?"

11 THE WITNESS: My aunt.

12 BY MS. LANCASTER:

13 Q Did you have any, would you normally have called
14 your aunt before coming?

15 A Yes, ma'am.

16 Q Anything else indicated to you by the phone
17 records?

18 A Just that she had been sick, and we had been
19 calling down there. And that's the reason we had to go down
20 there. I think there's some calls on there to -- I know
21 there's calls to her house, and I think there's some calls
22 to the hospital on there.

23 Q Did you call her on the 21st?

24 A Yes.

25 Q And you called her again on the 25th?

1 A Yes.

2 Q Did you also have Jennifer forward to you a
3 summary of your credit cards for the time, the mid-June,
4 July, 1996 time period?

5 A Which credit card?

6 Q The corporate card account summary for American
7 Express?

8 A Yes.

9 Q And did that credit card indicate anything to
10 you?

11 A Yes, ma'am.

12 Q What?

13 A That we had gone down there.

14 Q How did the credit card bill indicate that to
15 you?

16 A Well, there's charges on there for when we ate
17 lunch before we left. There's --

18 Q Were there any receipts on this bill -- I know it
19 is difficult because you do not have this in front of you.
20 Were there any receipts for charges incurred in Junction,
21 Texas?

22 A I don't know.

23 Q Okay. I am going to show you the exhibit, and
24 ask that you look over these documents.

25 This has been marked as EB Exhibit 70. I am

1 going to ask you the questions, and see if that refreshes
2 your memory.

3 (Witness examines document.)

4 Q The first page of that exhibit, do you recognize
5 that as being a map of Texas? A copy of a portion of a map
6 of Texas?

7 A Yes.

8 Q Pages two through --

9 JUDGE STEINBERG: It is hard to read the numbers
10 on this page.

11 MS. LANCASTER: -- six.

12 THE WITNESS: Okay.

13 BY MS. LANCASTER:

14 Q Do you recognize that as being the appointment
15 calendar of your husband?

16 A Yes.

17 Q He uses that at the office?

18 A Yes.

19 Q If you turn to page five of the exhibit, I
20 believe you will see entries for the 21st day of June.

21 A Yes.

22 Q Do you see that?

23 A Yes.

24 Q Did your husband normally work on Friday
25 afternoons?

1 A Yes.

2 Q Would it be unusual for him to be out of town, to
3 be closed on a Friday afternoon?

4 A Not unless we were going out of town, would be
5 the only reason he wouldn't be there.

6 Q Okay. So it would be unusual for him not to be
7 working on Friday afternoon.

8 MR. ROMNEY: Objection. Leading, Your Honor.

9 MS. LANCASTER: I am not sure you understood my
10 question.

11 JUDGE STEINBERG: Well, just ask it without
12 leading. Would it be.

13 BY MS. LANCASTER:

14 Q Would it be unusual for Jim not to work on a
15 Friday afternoon?

16 A He worked every Friday afternoon.

17 Q Look at page seven through 10 of the exhibit,
18 Mrs. Sumpter. Do you recognize pages seven through 10 as
19 copies of checkbook receipts?

20 A Yes.

21 Q Do you know whose checkbook receipts they are
22 copies of?

23 A They are ours, Jim's and mine.

24 Q Okay. Do you notice the second checkbook receipt
25 on the page, which is number 8805, do you see that?

1 A Yes.

2 Q Can you tell the Judge what that is for?

3 A It's for our donation to the church.

4 Q Did you normally give --

5 JUDGE STEINBERG: Do not.

6 MS. LANCASTER: Okay.

7 JUDGE STEINBERG: When did you.

8 MS. LANCASTER: Okay.

9 BY MS. LANCASTER:

10 Q When did you normally make donations to your
11 church?

12 A We usually did it on Sunday.

13 Q Is that an indication to you that you were not --

14 JUDGE STEINBERG: What, what --

15 MS. LANCASTER: Okay. What does that indicate.

16 JUDGE STEINBERG: You are going to have to break
17 the habit.

18 MS. LANCASTER: Okay.

19 BY MS. LANCASTER:

20 Q What does that indicate to you, when you see that
21 it was done on Wednesday?

22 A That we were going out of town.

23 Q Now, when I am referring to this being Wednesday,
24 6/19 as being Wednesday, did you look up the dates to
25 determine what date 6/19 of 1996 is, or was?

1 A Yes.

2 Q How do you know 6/19 of 1996 is a Wednesday?

3 A From Jim's organizer.

4 Q Okay.

5 A From his appointment book.

6 Q Okay. Look on page 10 of the exhibit. There is

7 a check stub numbered 8813 at the top of the page. It also

8 has a date of 6/19/96 on it.

9 A Yes.

10 Q What was that for?

11 A For, we ate dinner at the church on Wednesday

12 night.

13 Q Do you recall doing that?

14 A Yes.

15 Q Is this your handwriting on this check stub?

16 A Yes.

17 Q Look on page 11 of this exhibit, Exhibit 70. Do

18 you recognize that as a phone bill?

19 A Yes.

20 Q Is that your phone bill for your home phone?

21 A Um --

22 Q Or is it your office phone?

23 A I believe this is the office.

24 Q Okay. Entry number seven appears to be, was a

25 phone call made on June 21.

1 A Yes.

2 Q Do you recall that phone call?

3 A That's the one we made in the morning before we
4 were to go that afternoon. To let her know that we were
5 coming.

6 Q Okay. Is (915) 446-2349 your aunt's phone
7 number?

8 A Yes.

9 JUDGE STEINBERG: Well, it was her phone number
10 at that time?

11 BY MS. LANCASTER:

12 Q It was her phone number at that time?

13 A Yes.

14 Q Where does she live now?

15 A She lives with us, in Mesquite.

16 Q Do you recall whether you made that phone call,
17 or if someone else made it?

18 A No, I believe Jim did.

19 Q Look on page 12 of this exhibit, please. Item
20 number two indicates a bill from Dickie's Barbecue,
21 Mesquite, do you see that?

22 A Yes, ma'am.

23 Q What was that for?

24 A That was for lunch, before we left town.

25 JUDGE STEINBERG: Do you remember what you ate?

1 THE WITNESS: Barbecue.

2 (Laughter.)

3 JUDGE STEINBERG: Pork, not chicken, right?

4 BY MS. LANCASTER:

5 Q Item number three on this bill shows an address
6 of 1977 North Main in Junction, Texas, and indicates a
7 Texaco. It says the word "Texaco." What was that for?

8 A That was for gas when we returned on Sunday.

9 Q What kind of vehicle did you take down to
10 Junction, do you recall?

11 A Our van.

12 Q Look on page 13 of the exhibit. What are the
13 items shown on page 13 of the exhibit?

14 A What are they?

15 Q Yes.

16 A One is a receipt for the gas, and one is a
17 receipt for the barbecue.

18 Q And by the gas you mean --

19 JUDGE STEINBERG: What do you mean when you --

20 MS. LANCASTER: Okay.

21 BY MS. LANCASTER:

22 Q What do you mean by the gas?

23 A The gas that we bought coming, returning to
24 Mesquite from Junction.

25 Q What do you mean by the barbecue?

1 A That was where we ate before we left.

2 Q Are those the same, do those receipts go with the
3 charges shown on 12, page 12?

4 A Yes.

5 MS. LANCASTER: Your Honor, at this time I would
6 ask that this exhibit be received into evidence.

7 JUDGE STEINBERG: Okay, there were objections
8 yesterday. Do you want to restate them, or do you --

9 MR. ROMNEY: I rely on my objections from
10 yesterday, Your Honor. I restate them all. Do you want me
11 to go through them?

12 JUDGE STEINBERG: It is not necessary, I remember
13 them.

14 MR. ROMNEY: Thank you.

15 JUDGE STEINBERG: Mr. Pedigo?

16 MR. PEDIGO: I think I would add to yesterday's
17 objections under Rule 401. This is irrelevant in the sense
18 that it tends to prove nothing, because it is consistent
19 with being in Junction or not being in Junction.

20 MS. LANCASTER: Your Honor, may I respond?

21 JUDGE STEINBERG: Surely.

22 MS. LANCASTER: He can certainly make that
23 argument, and it would go to the weight, possibly, that is
24 to be given to this exhibit. But I do not believe it goes
25 to the admissibility of the exhibit itself.

1 JUDGE STEINBERG: I am going to receive Exhibit
2 Number 70. I think, I recognize the nature of the
3 objections. But I think that, on balance, that the record
4 would be helped, and would be assisted by receiving this in
5 evidence. I think it belongs in the record.

6 So over objection, your Exhibit 70 is received.
7 (The document referred to,
8 having been previously marked
9 for identification as EB
10 Exhibit No. 70, was received
11 in evidence.)

12 JUDGE STEINBERG: Would this be an appropriate
13 time for a break?

14 MS. LANCASTER: Yes, sir.

15 JUDGE STEINBERG: Okay. We will take 15 minutes,
16 and be back at a quarter to 11, please.

17 (Whereupon, a brief recess was taken.)

18 JUDGE STEINBERG: Back on the record.

19 BY MS. LANCASTER:

20 Q Mrs. Sumpter, I believe you keep referring to
21 Auntie, or your aunt, is that correct?

22 A That's correct.

23 Q And she is the person that lives in Junction,
24 that now lives with you?

25 A Yes.

1 Q Whose aunt is she?

2 A She's Jim's aunt.

3 Q And what is her name?

4 A Estelle Alice James.

5 Q Did Jim ever go visit her without you going with
6 him?

7 A He did, when my uncle, or our uncle was still
8 alive.

9 Q Your uncle is dead?

10 A Yes. He died in 1991.

11 Q When you say "our uncle" or "my uncle," are you
12 still referring to actually Jim's uncle?

13 A Yes.

14 Q And you are referring to your aunt's, or Jim's
15 aunt's husband, former husband?

16 A Yes.

17 Q When did he die?

18 A Nineteen-ninety-one.

19 Q Since 1991, has Jim ever gone to Junction, Texas
20 to visit his aunt without you going with him?

21 A No.

22 JUDGE STEINBERG: The aunt that you are talking
23 about, she is the only one that lives with you and Jim now?

24 THE WITNESS: Yes, yes.

25 BY MS. LANCASTER:

1 Q I want to go through the events that concern the
2 hearing designation order, the issues that are before, that
3 we are addressing in this hearing. Do you understand what
4 the hearing designation order is?

5 A I believe I do.

6 Q One second and I will show you a copy.

7 A Okay.

8 Q I just want to show you a copy of what I am
9 referring to as the hearing designation order, and ask if
10 you have seen that before.

11 (Witness examines document.)

12 A I believe I have, yes.

13 Q Okay. You have already testified that you
14 received a copy of the Net Wave petition in the mail.

15 What did you do after you got the copy of the Net
16 Wave petition?

17 A What did I do?

18 Q Yes.

19 A I read it.

20 Q And did you understand it?

21 A No, not really.

22 Q Did you take any actions based upon your reading
23 of the Net Wave petition? In response to it, did you take
24 any actions?

25 A No.

1 Q Who did you discuss it with?

2 A My husband, Jim, and our daughters, Melissa and
3 Jennifer.

4 Q As far as you know, did any of them take any
5 actions in response to receipt of the Net Wave petition?

6 A No, they didn't take any action.

7 Q Did they talk to anyone about it?

8 A Jennifer may have talked a little bit to her
9 partner.

10 Q Did you have any conversations with anyone from
11 DLB?

12 A About the petition?

13 Q Yes. In response to getting a copy of the Net
14 Wave petition, did you have any conversations with anyone at
15 DLB?

16 A Ronald.

17 Q Did you talk to Ronald?

18 A I believe I did, yes.

19 Q On how many occasions do you recall talking to
20 him?

21 A I don't know how many times.

22 Q Several?

23 A Several.

24 Q Okay. Were you upset about it?

25 A Yes.

1 Q Do you recall how many times you talked to Pat?

2 A No.

3 Q A lot or a few?

4 A A few times.

5 MR. ROMNEY: I am sorry, what?

6 MS. LANCASTER: You are going to have to speak
7 up.

8 THE WITNESS: A few times.

9 BY MS. LANCASTER:

10 Q As far as you know, did Jim have any
11 conversations with anyone in response to his receiving a
12 copy of the Net Wave petition?

13 A Did he talk to anyone?

14 Q Yes, did he talk to anyone?

15 A He talked to Ronald.

16 Q Were you present during those conversations?

17 A No.

18 Q I would like for you to turn to Exhibit 47. Do
19 you recognize that document, Mrs. Sumpter?

20 A Yes.

21 Q What is it?

22 A It's the letter that was sent Ron and Pat.

23 Q Did you sign it?

24 A Yes.

25 Q Who wrote it?

1 A Jim.

2 Q Did you have discussions with Jim before he wrote
3 the letter?

4 A Yes.

5 Q Discussions about what was contained in the
6 letter?

7 A Yes.

8 Q Okay. Did you give him permission or ask him to
9 write the letter?

10 A I asked him to write it.

11 Q Why did you ask Jim to write the letter, instead
12 of writing the letter yourself?

13 A I don't know. I don't have any --

14 Q Did Jim put what you wanted him to put in this
15 letter?

16 A Yes.

17 Q Or did he just make it up?

18 A No.

19 JUDGE STEINBERG: Well, you had an answer to the
20 first question, which was yes. Then you can ask the second
21 question, is there anything in here.

22 BY MS. LANCASTER:

23 Q Is there anything in here that is inaccurate in
24 your view?

25 A No.

1 Q Is there anything in here that Jim wanted in
2 here, that you did not want in here?

3 A No.

4 JUDGE STEINBERG: Is there anything that is not
5 in here that you wanted in here?

6 THE WITNESS: No.

7 BY MS. LANCASTER:

8 Q When you state in the first sentence that you
9 have only recently become aware that you are the owner of a
10 radio channel in Dallas, what channel are you talking about?

11 A The one that was in Net Wave.

12 Q The one that is mentioned in the Net Wave
13 petition?

14 A Right.

15 Q When you state in the second sentence that you
16 knew that you had used my name -- let me ask you that. When
17 you say you knew that you had used my name, who are you
18 talking to by "you?" Who are you talking about?

19 A Ronald and Pat.

20 Q Okay. When you state that you knew that they had
21 used your name, what were you, what did you mean by that?

22 A The one I had signed earlier, in the late
23 eighties or nineties.

24 Q Okay. That they had used your name in prior
25 application?

1 A Right.

2 Q Whose idea was it to send this letter?

3 A Jim's and mine.

4 Q Both of you?

5 A Yes.

6 JUDGE STEINBERG: Wait. Did you get that, Mr.
7 Romney?

8 MR. ROMNEY: Yes, I think so. Thank you, Your
9 Honor.

10 BY MS. LANCASTER:

11 Q You talked with Jim about it?

12 A Yes.

13 Q Before you sent it?

14 A Yes.

15 Q Look at Exhibit 37, page 14. Wait a minute, that
16 is not the right -- oh, it is the right.

17 Do you recognize 37, pages 14 through 19?

18 A Do I recognize them?

19 Q Yes, have you seen them before?

20 A Yes.

21 Q When was the first time you saw them?

22 A I assume when they came over the fax machine.

23 Q Okay. Do you recall seeing them on or about
24 November 21, 1997?

25 A I assume we did.

1 Q Well, let's look at the bottom of page 14.

2 A That's what it says on the bottom, that that was
3 when it was --

4 Q So when you say that is what it says on the
5 bottom, you see the fax stamp?

6 A Eleven/23, 1997.

7 Q I am sorry?

8 A Eleven/23, 1997.

9 Q So 11/23, 1997 would have been when you saw this
10 document?

11 A Yes, ma'am.

12 Q When you -- did you get the fax off of the fax
13 machine?

14 A I'm sure I did.

15 Q Okay.

16 A I usually get all of the fax.

17 Q Okay, what did you do with it when you got it?

18 A I gave it to Jim.

19 Q And did Jim read it?

20 A Yes.

21 Q Did he have any discussions with you about it?

22 A Well, I don't remember him, us discussing this.

23 Not really. I don't remember us discussing this.

24 THE REPORTER: I did not hear the end of that.

25 THE WITNESS: I said I don't remember him

1 discussing this with me. I know he sat down and read it,
2 and then I probably read it after he did. But I don't
3 remember us discussing it. There was no discussion.

4 BY MS. LANCASTER:

5 Q Okay. After you read it, did you have any
6 understanding of what pages 15 through 19 were?

7 A Not really.

8 Q Did you have any understanding of what was going
9 to happen to those pages?

10 A No, ma'am.

11 Q Did you have any understanding that you would
12 have any input about what the opposition -- you notice on
13 page 15 it says "opposition?"

14 A Yes.

15 Q Did you have any understanding that you would
16 have any control over that document?

17 A No, ma'am.

18 Q Did you know what was going to happen to the
19 document?

20 A Well, not really.

21 Q Did you know that a document called an opposition
22 was going to be filed with the FCC?

23 A I don't know if I did or not.

24 Q Okay. You did not receive an advance copy of the
25 opposition, did you?

1 A No.

2 Q When is the first time you saw the opposition?

3 A When I got it off the fax machine.

4 Q Okay. Aside, after that, did you ever see the

5 formal document that was actually filed with the FCC?

6 A No.

7 Q I am going to refer to Exhibit 2.

8 A Exhibit 2?

9 Q Mm-hmm.

10 A This same book?

11 Q Keep your finger on that place, if you do not

12 mind, but look at Exhibit 2.

13 (Pause.)

14 Q Do you see Exhibit 2?

15 A Yes.

16 Q Do you recognize that document?

17 A Well, it looks like the other document, possibly.

18 Q Have you made any comparison of that document and

19 the document that was --

20 JUDGE STEINBERG: Exhibit 37, page 15.

21 BY MS. LANCASTER:

22 Q -- Exhibit 37, page 15?

23 A Have I ever made a comparison?

24 Q Yes, ma'am.

25 A No, ma'am.